

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	DAVID F. CURTISS	:	CHAPTER 13
		:	
	Debtor	:	
		:	BANKRUPTCY NO. 20-11587-MDC
		:	
		:	HEARING DATE: February 16, 2021
		:	HEARING TIME: 10:30 A.M.
		:	LOCATION: Courtroom #2

OBJECTION TO PROOF OF CLAIM #8

Debtor, David F. Curtiss, by counsel, Lohr & Associates, Ltd., objects to Proof of Claim Number 8, filed by Robert Kerry Kalmbach (“Kalmbach”), in the amount of \$113,509.80 and assigns the following reasons for the same:

1. The creditor Kalmbach timely filed unsecured proof of claim number 8 in the amount of \$113,509.80 (One Hundred Thirteen Thousand Five Hundred Nine and Eighty-Hundredths Dollars).
2. The Kalmbach claim was scheduled as “unliquidated and disputed”. See Debtor’s Schedule E/F.
3. Kalmbach’s claim was premised upon a judgment by default that he received against the Debtor on January 31, 2019, in the case styled as *R. Kerry Kalmbach v. David F. Curtiss*, Chester County, Pennsylvania Court of Common Pleas, Case #2018-12030-CT.
4. On November 4, 2020, the Debtor filed Defendant David F. Curtiss’s Verified Petition to Strike Default Judgment. (A true and correct copy of the Petition, Praeceptum for Determination, Memorandum of Law and Certificate of Service is attached hereto as Exhibit 1).
5. On December 2, 2020, Kalmbach filed Plaintiff’s Answer to Defendant David F. Curtiss’s Verified Petition to Strike Default Judgment. (A true and correct copy of the Answer,

Memorandum of Law and Certificate of Service is attached hereto as Exhibit 2).

6. On December 28, 2020, an Order was entered granting Defendant's/Debtor's Petition to Strike Default Judgment. (A true and correct copy of the Order is attached hereto as Exhibit 3).

7. Accordingly, Kalmbach's Proof of Claim #8 must be disallowed.

WHEREFORE, the Debtor respectfully requests that this Honorable Court disallow proof of claim number eight in its entirety, and order such other and further relief as is just and proper.

Respectfully submitted,

Lohr & Associates, Ltd.

Date: January 6, 2021

By: /s/ Robert J. Lohr II
Lohr & Associates, Ltd.
1246 West Chester Pike
Suite 312
West Chester, PA 19382
(610) 701-0222 - telephone
(610) 431-2792 - facsimile
bob@lohrandassociates.com - e-mail